

CCPIT PATENT AND TRADEMARK LAW OFFICE

YASUHIITO SUZUKI
SOEI PATENT & LAW FIRM
GINZA FIRST BLDG.,
10-6 GINZA 1-CHOME
CHUO-KU, TOKYO 104-0061
JAPAN 日本

10/F, Ocean Plaza
158 Fuxingmennei Street,
Beijing 100031, China
Telephone: 86-10-66412345 / 68516688
Facsimile : 86-10-66415678
86-10-66413211

E-mail : mail@ccpit-patent.com.cn
Web site : www.ccpit-patent.com.cn

August 27, 2004



FAX No.: 0081335648005
0081335648004

Y/R: FP02-0031-00CN-SE (PCT)
O/R: IIE022378
Re: Chinese Application for Invention No. 02800429.9
in the name of SUMITOMO ELECTRIC INDUSTRIES, LTD.
Title: FERRULE FOR OPTICAL CONNECTOR AND METHOD OF
AMNUFACTURING THE FERRULE

Dear Sirs:

This is to report to you that we have received the first Office Action issued by the Chinese Patent Office on August 6, 2004 in connection with the above-identified patent application. Enclosed please find a copy of the Office Action and the English translation thereof.

Please note that a response to the Office Action is due on December 6, 2004. Your instructions two weeks before the due date would be highly appreciated.

For your information, the applicant may request only once an extension of up to two months upon payment of extension fees in relation to your response.

If you have any questions connected to this, please feel free to let us know.

Sincerely yours,

Du Rixin

CCPIT Patent and Trademark Law Office



さしかえ

THE PATENT OFFICE OF THE PEOPLE'S REPUBLIC OF CHINA

Address: 6 Xi Tu Cheng Lu, Haidian, Beijing

Post Code: 100088

Applicant:	SUMITOMO ELECTRIC INDUSTRIES, LTD.	Date of Notification: Date: <u>23</u> Month: <u>7</u> Year: <u>2004</u>
Attorney:	Du Rixin	
Application No.:	02800429.9	
Title of the Invention:	FERRULE FOR OPTICAL CONNECTOR AND METHOD OF MANUFACTURING THE FERRULE	

Notification of the First Office Action (PCT Application in the National Phase)

1. ☒ The applicant requested examination as to substance on _____ and examination has been carried out on the above-identified patent application for invention under Article 35(1) of the Patent Law of the People's Republic of China (hereinafter referred to as "the Patent Law").
☐ The Chinese Patent Office has decided to examine the application on its own initiative under Article 35(2) of the Patent Law.
2. ☒ The applicant claimed priority/priorities based on the application(s):
filed in JP on Feb. 28, 2001, filed in JP on Mar. 30, 2001,
filed in _____ on _____, filed in _____ on _____.
3. ☐ The following amendments submitted by the applicant are not acceptable under Art. 33 of the Patent Law:
☐ The Chinese translation of the amendments annexed to the IPEA Report.
☐ The Chinese translation of the amendments made under Art. 19 of PCT.
☐ The amendments made under Art. 28 or Art. 41 of PCT.
☐ The amendments made under Rule 51 of the Implementing Regulations of the Patent Law.
Specific reasons why the amendments are not acceptable are set forth in the text portion of this Notification.
4. ☒ Examination was directed to the Chinese translation of the International Application as originally filed.
☐ Examination was directed to the application documents as specified below:
☐ Description ☐ Pages _____ of the Chinese translation of the International Application as originally filed.
☐ Pages _____ of the Chinese translation of the amendments annexed to the IPEA Report.
☐ Pages _____ of the amendments made under Art. 28 or Art. 41 of PCT.
☐ Pages _____ of the amendments made under Rule 51 of the Implementing Regulations of the Patent Law.
☐ Claims ☐ The Chinese translation of claims _____ of the International Application as originally filed.
☐ The Chinese translation of claims _____ of the amendments made under Art. 19 of PCT.
☐ The Chinese translation of claims _____ of the amendments annexed to the IPEA Report.
☐ The Chinese translation of claims _____ of the amendments made under Art. 28 or Art. 41 of PCT.
☐ The amendments of the claims _____ made under Rule 51 of the Implementing Regulations of the Patent Law.
☐ Drawings ☐ Pages _____ of the Chinese translation of the International Application as originally filed.
☐ Pages _____ of the Chinese translation of the amendments annexed to the IPEA Report.
☐ Pages _____ of the amendments made under Art. 28 or Art. 41 of PCT.
☐ Pages _____ of the amendments made under Rule 51 of the Implementing Regulations of the Patent Law.
5. ☒ Below is/are the reference(s) cited in this Office Action (the reference number(s) will be used throughout the examination procedure):

No.	Number(s) or Title(s) of Reference(s)	Date of Publication (or the filing date of conflicting application)
1	JP TOKAI 2001-4862A	Date: <u>12</u> Month: <u>1</u> Year: <u>2001</u>
2	JP TOKAIHEI 10-186175A	Date: <u>14</u> Month: <u>7</u> Year: <u>1998</u>
3		Date: <u> </u> Month: <u> </u> Year: <u> </u>
4		Date: <u> </u> Month: <u> </u> Year: <u> </u>
5		Date: <u> </u> Month: <u> </u> Year: <u> </u>

6. Conclusions of the Action:

☐ On the Specification:

- ☐ The subject matter contained in the application is not patentable under Article 5 of the Patent Law.
- ☐ The description does not comply with Article 26 paragraph 3 of the Patent Law.
- ☐ The draft of the description does not comply with Rule 18 of the Implementing Regulations.

☒ On the Claims:

- ☐ Claim(s) is/are not patentable under Article 25 of the Patent Law.
- ☐ Claim(s) does/do not comply with the definition of inventions prescribed by Rule 2 paragraph 1 of the Implementing Regulations.
- ☐ Claim(s) does/do not possess the novelty as required by Article 22 paragraph 2 of the Patent Law.
- ☒ Claim(s) 1,8,9,11,12,17,18,20 does/do not possess the inventiveness as required by Article 22 paragraph 3 of the Patent Law.
- ☐ Claim(s) does/do not possess the practical applicability as required by Article 22 paragraph 4 of the Patent Law.
- ☐ Claim(s) does/do not comply with Article 26 paragraph 4 of the Patent Law.
- ☐ Claim(s) does/do not comply with Article 31 paragraph 1 of the Patent Law.
- ☒ Claim(s) 6-9,11,16-20 does/do not comply with the provisions of Rules 20-23 of the Implementing Regulations.
- ☐ Claim(s) does/do not comply with Article 9 of the Patent Law.
- ☐ Claim(s) does/do not comply with the provisions of Rule 12 paragraph 1 of the Implementing Regulations.

The explanations to the above conclusions are set forth in the text portion of this Notification.

7. In view of the conclusions set forth above, the Examiner is of the opinion that:

- ☐ The applicant should make amendments as directed in the text portion of the Notification.
- ☒ The applicant should expound in the response reasons why the application is patentable and make amendments to the application where there are deficiencies as pointed out in the text portion of the Notification, otherwise, the application will not be allowed.
- ☐ The application contains no allowable invention, and therefore, if the applicant fails to submit sufficient reasons to prove that the application does have merits, it will be rejected.
- ☐

8. The followings should be taken into consideration by the applicant in making the response:

- (1) Under Article 37 of the Patent Law, the applicant should respond to the office action within 4 months counting from the date of receipt of the Notification. If, without any justified reason, the time limit is not met, the application shall be deemed to have been withdrawn.
- (2) Any amendments to the application should be in conformity with the provisions of Article 33 of the Patent Law. Substitution pages should be in duplicate and the format of the substitution should be in conformity with the relevant provision contained in "The Examination Guidelines".
- (3) The response to the Notification and/or revision of the application should be mailed to or handed over to the "Reception Division" of the Patent Office, and documents not mailed or handed over to the Reception Divisions have no legal effect.
- (4) Without an appointment, the applicant and/or his agent shall not interview with the Examiner in the Patent Office.

9. This Notification contains a text portion of 2 pages and the following attachments:

- ☒ 2 cited reference(s), totaling 17 pages. ☐

Examination Dept. 9 Examiner: Lan Xia Seal of the Examination Department

Text Portion

The application as described in the specification deals with a ferrule for an optical connector and the method of manufacturing the ferrule. After examining the application documents, the examiner sets forth the following comments:

Claim 1 seeks to protect a ferrule for an optical connector. However, Reference 1 has also disclosed a ferrule for an optical connector and the method of manufacturing the ferrule (see the whole specification and the accompanying drawings), especially the following specific technical features: a plurality of optical fiber positioning holes (13) and a pair of guide holes (11) are extending inwardly from a connecting end face; a chamfer portion (14) is formed at each guide hole on the said connecting end face side; and said connecting end face has an angle relative to a plane normal to center axes of said pair of guide holes. It can be seen that Ref. 1 has disclosed all of the technical features of claim 1 and thus it will be convenient for the ordinary technicians in the art to come to the technical solution claim 1 seeks to protect based upon Ref.1. Therefore, claim 1 shows neither outstanding and essential features nor remarkable merits, and the claim possesses no inventiveness as prescribed in Article 22 (3) of the Chinese Patent Law (CPL).

Claims 8, 9, 11 are dependent claims referring directly or indirectly to

claim 1. However, Reference 2 (see line 6 of column 6 to line 18 of column 7 of the specification and Figs 4a~4e) has disclosed a resin component used for shaping a ferrule for an optical connector, in particular, the resin component wherein an arenaceous quartz is used as the filler with a grain fineness distribution being: the central grain diameter-- $20\ \mu\text{m}$ ~ $25\ \mu\text{m}$; the maximum grain diameter-- $100\ \mu\text{m}$. It can be seen that it will be very possible for the ordinary technicians in the art to come to the technical solution claims 8, 9, 11 seek to protect by combining Refs 1, 2, in other words, it will be convenient for these technicians to realize the combination. Therefore, claims 8, 9, 11 show neither outstanding and essential features nor remarkable merits and they possess no inventiveness as prescribed in Article 22 (3) of the CPL.

Claim 12 seeks to protect a method of manufacturing a ferrule for an optical connector. However, Reference 1 (see the whole specification and accompanying drawings) has also disclosed a ferrule for an optical connector and the method of manufacturing the ferrule, in particular, the following specific technical features: a ferrule body is made and a chamfer is machined in a cutting or grinding process; a plurality of fiber positioning holes (13) and a pair of guide holes (11) are disposed to extend inwardly from a connecting end face; a chamfer portion (14) is formed at each guide hole (11); let said connecting end face have an angle relative to a plane normal to center axes of said pair of guide holes. It can

be seen that Ref. 1 has disclosed all of the technical features of claim 12 and it will be convenient for the ordinary technicians in the art to come to the technical solution claim 12 seeks to protect based upon Ref. 1. Therefore, claim 12 shows neither outstanding and essential features nor remarkable merits and thus it possesses no inventiveness as prescribed in Article 22 (3) of the CPL.

Claims 17, 18, 20 are dependent claims referring directly or indirectly to claim 12. However, Reference 2 (see line 6 of column 6 to line 18 of column 7 of the specification and Figs 4a~4e) has disclosed a resin component used for shaping a ferrule for an optical connector, in particular, a resin component wherein an arenaceous quartz is used as the filler with a grain fineness distribution being: the central grain diameter— $20\ \mu\text{m}$ ~ $25\ \mu\text{m}$; the maximum grain diameter— $100\ \mu\text{m}$. It can be seen that it will be very possible for the ordinary technicians in the art to acquire some enlightenments about the technical solution claims 17, 18, 20 seek to protect by combining Refs 1, 2, in other words, it will be convenient for these technicians to realize the combination. As a result, claims 17, 18, 20 show neither outstanding and essential features nor remarkable merits and they possess no inventiveness as prescribed in Article 22 (3) of the CPL.

In the following lettered descriptions of claims 6~9, 17, 18 , such as “..... the angle of center axes \leq said angle of”, “..... the angle

of center axes = said angle of", "the filler with an average grain fineness $\leq 20\mu\text{m}$ ", "the maximum grain fineness $\leq 40\mu\text{m}$ ", "the mixed filler with an average fineness $\leq 20\mu\text{m}$ ", the mathematical symbols should be avoided and replaced with words or sentences. As a result, these claims make their protected scopes unclear and redundant and so they do not comply with Rule 20 (1) of the IR of the CPL, and the applicant is required to make necessary corrections.

Claim 11 is a dependent claim referring to claims 8~11, but, as claims 8~11 make the protected scope of claim 11 unclear and redundant, claim 11 does not comply with Rule 20 (1) of the IR of the CPL either, and so the applicant is required to make necessary corrections.

Claim 11 is a dependent claim referring to claims 8~11, but, as claim 8 is a multiple dependent claim, claim 11 does not comply with Rule 23 (2) of the IR of the CPL either. The similar defect also exists in claims 16, 17, 19, 20, and so the applicant should make corrections as well.

Based upon the above reasons, the present application, as far as the present version is concerned, cannot be patented. The applicant is required to submit a new version of claims or specification in view of the comments mentioned above within the given time limit. Any amendment to the application documents shall conform to Article 33 of the CPL, and not go beyond the scope of the disclosure contained in the specification

and claims. The present application will be rejected if the applicant fails to overcome the defects mentioned above or to offer adequate reasons showing the disclosure conforms to the IR and the CPL. The applicant is required to provide the duplicated copies of the portions of the initial documents needing to be amended with all of the amendments being marked with a pen or ball pen in a color ink.

中华人民共和国国家知识产权局

邮政编码: 100037

北京市阜成门外大街2号万通新世界广场8层
中国国际贸易促进委员会专利商标事务所
杜日新

发文日期

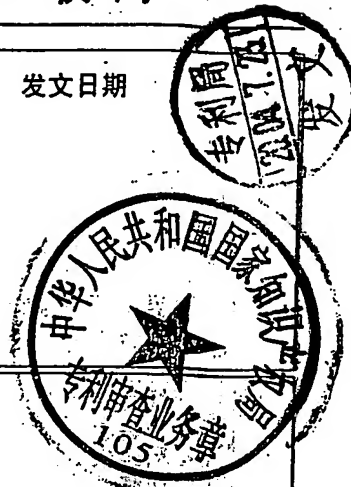
E022378

申请号: 028004299



申请人: 住友电气工业株式会社

发明创造名称: 光连接器用管箍及其制造方法



第一次审查意见通知书

(进入国家阶段的 PCT 申请)

1. ☒ 应申请人提出的实审请求, 根据专利法第 35 条第 1 款的规定, 国家知识产权局对上述发明专利申请进行实质审查。
☐ 根据专利法第 35 条第 2 款的规定, 国家知识产权局专利局决定自行对上述发明专利申请进行审查。
2. ☒ 申请人要求以其在:
JP 专利局的申请日 2001 年 02 月 28 日为优先权日,
JP 专利局的申请日 2001 年 03 月 30 日为优先权日,
专利局的申请日 年 月 日为优先权日。
3. ☐ 申请人于 年 月 日提交的修改文件, 不符合专利法实施细则第 51 条的规定。
☐ 申请人提交的下列修改文件不符合专利法第 33 条的规定。
☐ 国际初步审查报告附件的中文译文。
☐ 依据专利合作条约第 19 条规定所提交的修改文件的中文译文。
☐ 依据专利合作条约第 28 条或 41 条规定所提交的修改文件。
☐
4. ☒ 审查是针对原始提交的国际申请的中文译文进行的。
☐ 审查是针对下述申请文件进行的:
☐ 说明书 第 页, 按照原始提交的国际申请文件的中文译文;
第 页, 按照国际初步审查报告附件的中文译文;
第 页, 按照依据专利合作条约第 28 条或 41 条规定所提交的修改文件;
第 页, 按照依据专利法实施细则第 51 条规定所提交的修改文件。
☐
☐ 权利要求 第 项, 按照原始提交的国际申请文件的中文译文;
第 项, 按照依据专利合作条约第 19 条规定所提交的修改文件的中文译文。
第 项, 按照国际初步审查报告附件的中文译文;
第 项, 按照依据专利合作条约第 28 条或 41 条所提交的修改文件;
第 项, 按照依据专利法实施细则第 51 条规定所提交的修改文件。
☐
☐ 附图 第 页, 按照原始提出的国际申请文件的中文译文;
第 页, 按照国际初步审查报告附件的中文译文;
第 页, 按照依据专利合作条约第 28 条或 41 条所提交的修改文件;
第 页, 按照依据专利法实施细则第 51 条规定所提交的修改文件。



☒ 本通知书引用下述对比文献(其编号在今后的审查过程中继续沿用):

编号	文件号或名称	公开日期 (或抵触申请的申请日)
1	JP 特开 2001-4862A	2001. 1. 12
2	JP 特开平 10-186175A	1998. 7. 14

5. 审查的结论性意见:

☐ 关于说明书:

- ☐ 申请的内容属于专利法第 5 条规定的不授予专利权的范围。
- ☐ 说明书不符合专利法第 26 条第 3 款的规定。
- ☐ 说明书不符合专利法第 33 条的规定。
- ☐ 说明书的撰写不符合专利法实施细则第 18 条的规定。

☒ 关于权利要求书:

- ☐ 权利要求 不具备专利法第 22 条第 2 款规定的新颖性。
- ☒ 权利要求 1, 8, 9, 11, 12, 17, 18, 20 不具备专利法第 22 条第 3 款规定的创造性。
- ☐ 权利要求 不具备专利法第 22 条第 4 款规定的实用性。
- ☐ 权利要求 属于专利法第 25 条规定的不授予专利权的范围。
- ☐ 权利要求 不符合专利法第 26 条第 4 款的规定。
- ☐ 权利要求 不符合专利法第 31 条第 1 款的规定。
- ☐ 权利要求 不符合专利法第 33 条的规定。
- ☐ 权利要求 不符合专利法实施细则第 13 条第 1 款的规定。
- ☐ 权利要求 不符合专利法实施细则第 2 条第 1 款关于发明的定义。
- ☒ 权利要求 6-9, 11, 17, 18 不符合专利法实施细则第 20 条的规定。
- ☐ 权利要求 不符合专利法实施细则第 21 条的规定。
- ☐ 权利要求 不符合专利法实施细则第 22 条的规定。
- ☒ 权利要求 11, 16, 17, 19, 20 不符合专利法实施细则第 23 条的规定。

上述结论性意见的具体分析见本通知书的正文部分。

6. 基于上述结论性意见, 审查员认为:

- ☐ 申请人应按照通知书正文部分提出的要求, 对申请文件进行修改。
- ☒ 申请人应在意见陈述书中论述其专利申请可以被授予专利权的理由, 并对通知书正文部分中指出的不符合规定之处进行修改, 否则将不能授予专利权。
- ☐ 专利申请中没有可以被授予专利权的实质性内容。如果申请人没有陈述理由或者陈述理由不充分, 其申请将被驳回。

7. 申请人应注意下述事项:

- (1) 根据专利法第 37 条的规定, 申请人应在收到本通知书之日起的肆个月内陈述意见, 如果申请人无正当理由逾期不答复, 其申请将被视为撤回。
- (2) 申请人对其申请的修改应符合专利法第 33 条的规定, 修改文本应一式两份, 其格式应符合审查指南的有关规定。
- (3) 申请人的意见陈述书和 / 或修改文本应邮寄或递交国家知识产权局专利局受理处, 凡未邮寄或递交给受理处的文件不具备法律效力。
- (4) 未经预约, 申请人和 / 或代理人不得前来国家知识产权局专利局与审查员举行会晤。

8. 本通知书正文部分共有 2 页, 并附有下列附件:

- ☒ 引用的对比文件的复印件共 2 份, 17 页。

BEST AVAILABLE COPY



审查员: 兰霞 (9523)

2004 年 7 月 7 日

审查部门

审查协作中心



第一次审查意见通知书正文

如说明书所述，本申请涉及一种光连接器用管箍及其制造方法。经审查，现提出如下审查意见：

权利要求 1 请求保护一种光连接器用管箍，对比文件 1（说明书全文和附图）公开了一种光连接器用管箍及其制造方法，并具体披露了以下技术特征：从接续端面向内部延伸设置有多个光纤收容孔 13 和一对导孔 11，导孔 11 在接续端面处有倒角部分 14，接续端面相对于垂直导孔中行轴的平面具有一定角度，由此可见，对比文件 1 披露了权利要求 1 的所有技术特征，本领域普通技术人员在对比文件 1 的基础上，将上述特征结合而得到权利要求 1 所要求保护的技术方案对本领域普通技术人员来说是显而易见的，因此权利要求 1 不具有突出的实质性特点和显著的进步，不具备专利法第二十二条第三款规定的创造性。

权利要求 8、9、11 是直接或间接引用权利要求 1 的从属权利要求，对比文件 2（说明书第 6 栏第 6 行至第 7 栏第 18 行，图 4a-4e）公开了一种光连接器用管箍成形用树脂组成物，并披露了用石英砂作填充剂，填充剂粒度分布的中心粒径 $20\mu\text{m}$ - $25\mu\text{m}$ ，最大粒径 $100\mu\text{m}$ ，由此可知，本领域普通技术人员在对比文件 1 的基础上，会从对比文件 2 获得将上述特征应用到对比文件 1 中而得到权利要求 8、9 和 11 所要求保护的技术方案的启示，也就是说这样的结合对本领域普通技术人员来说是显而易见的，因此权利要求 8、9 和 11 不具有突出的实质性特点和显著的进步，不具备专利法第二十二条第三款规定的创造性。

权利要求 12 请求保护一种光连接器用管箍的制造方法，对比文件 1（说明书全文和附图）公开了一种光连接器用管箍及其制造方法，并具体披露了以下技术特征：制造管箍主体，通过切削或研磨加工倒角，从接续端面向内部延伸设置有多个光纤收容孔 13 和一对导孔 11，导孔 11 在接续端面处有倒角部分 14，接续端面相对于垂直导孔中行轴的平面具有一定角度，由此可见，对比文件 1 披露了权利要求 12 的所有技术特征，本领域普通技术人员在对比文件 1 的基础上，将上述特征结合而得到权利要求 12 所要求保护的技术方案对本领域普通技术人员来说是显而易见的，因此权利要求 12 不具有突出的实质性特点和显著的进步，不具备专利法第二十二条第三款规定的创造性。

权利要求 17、18、20 是直接或间接引用权利要求 12 的从属权利要求，对比文件 2（说明书第 6 栏第 6 行至第 7 栏第 18 行，图 4a-4e）公开了一种光连接器用管箍成形用树脂组成物，并披露了用石英砂作填充剂，填充剂粒度分布的中心粒径 $20\mu\text{m}$ - $25\mu\text{m}$ ，最大粒径 $100\mu\text{m}$ ，由此可知，本领域普通技术人员在对比文件 1 的基础上，会从对比文件 2 获得将上述特征应用到对比文件 1 中而得到权利要求 17、18 和 20 所要求保护的技术方案的启示，也就是说这样的结合对本领域普通技术人员来说是显而易见的，因此权利要求 17、18 和 20 不具有突出的实质性特点和显著的进步，不具备专利法第二十二条第三款规定的创造性。

权利要求 6-9、17、18 中描述的“……中心轴的角度 \leq 上述……角度”、“……中心轴的角度=上述……角度”、“……粒度平均 $\leq 20\mu\text{m}$ 的填充剂”、“……最大粒度 $\leq 40\mu\text{m}$ ”、“……混入粒度平均 $\leq 20\mu\text{m}$ 的填充剂……”、“……最大粒度 $\leq 40\mu\text{m}$ ”其中不应该使用数学运算符号，而应该用中文描述，因此造成权利要求 6-9、17、18 没有清楚、简要地表述请求保护的范围，不符合专利法实施细则第二十条第一款的规定。申请人应当对此作修改。

权利要求 11 是引用权利要求 8-11 的从属权利要求，但其引用权利要求本身造成权利要求 11 没有清楚、简要地表述请求保护的范围，不符合专利法实施细则第二十条第一款的规定。申请人应当对此作修改。

权利要求 11 是引用权利要求 8-11 的从属权利要求，但其引用的权利要求 8 是多项从属权利要求，因此权利要求 11 不符合专利法实施细则第二十三条第二款的规定。权利要求 16、17、19、20 同样存在多项从属权利要求引用多项从属权利要求的问题，请一并修改。

基于上述理由，本申请按照目前的文本是不能够被授权的。申请人应根据上述审查意见在指定的期限内提交新的权利要求书和/或说明书，修改时应满足专利法第三十三条的规定，不得超出原说明书和权利要求书记载的范围，如果申请人不能在本通知书规定的答复期限内克服上述缺陷或表明其具有符合所述规定的充分理由，本申请将被驳回。申请人应提供修改所涉及的原文复印件，并将修改之处用彩笔标示清楚。